IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE Ms. JUSTICE G.ROHINI

TAKEN UP WRIT PETITION No. 24634 of 1997

Between:

The Editor Eenadu

.....
PETITIONER

AND

1. The SHO
   Akkannapalle Police Station, Ananthapur District
2. The SHO
   Tadipatri Police Station Ananthapur District
3. The Sub-Inspector of Police
   Akkannapalle Police Station, Ananthapur District
4. The Sub-Inspector of Police
   Tadipatri Police Station Ananthapur District
5. The Circle Inspector of Police,
   Tadipatri Ananthapur District.
6. The Superintendent of Police,
   Ananthapur.
7. The Director General of Police
   Govt. of A.P., Hyderabad
8. The Govt. of A.P.,
   Rep. by its Secretary, Home Dept., Secretariat,
   Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that for the reasons stated in the press reports in Eenadu Dtd.19/09/1997 and 20/09/1997 this Hon'ble Court may be pleased to issue an order, direction, or a writ, more particularly one in the nature of writ of mandamus declaring the action of the respondents Nos.1 to 5 herein in taking custody of many people of Akkannapalle village and of other villages under Tadipatri Mandal of Ananthapur District and demanding huge amounts of money from them to release them and harassing and torturing such people, who refused to pay, as illegal, highhandedness, arbitrary, and unconstitutional and further directing the respondents No.6 to 8 herein to take action forthwith against the respondents No.1 to 5 herein for torturing one Obulesu to death for his refusal to pay the huge amount of money to them and to pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For the Petitioner :MR.E.SESHAGIRI RAO

For the Respondents : GP FOR HOME

The Court Made the Following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

On the basis of the news-item appearing in the Telugu daily "Eenadu" Anantapur edition on 19th and 20th September, 1997 stating that the police during the course of investigation in the murder case of one Suryanarayana, took many people into custody from Akkannapalle and its surrounding villages in Tadipatri Mandal, Anantapur district, and let off some people on acceptance of huge amounts and kept others in illegal custody and harassed them when the demands of police were refused.

The writ petition was dismissed and later on the said order was recalled. Subsequently, the writ petition was admitted and the respondents were called upon to file counter-affidavit. The court after considering the allegations in the affidavit and the material on record came to *prima facie* conclusion that the deceased Obulesu was taken into custody along with others and as he was unable to pay the

amount, he was tortured by the Police which resulted in his death. Accordingly, the Court considered it fit and proper to direct the State to pay compensation of Rs.1,50,000/- to the heirs of the deceased. The compensation was directed to be kept in fixed deposit for a period of ten years and the deceased's wife was entitled to withdraw interest on the amount every month and utilise the same for maintenance of the family and performing the marriage of their daughters. The bank was also directed not to grant any loan on the said deposit. These directions were given pending disposal of the writ petition and pending orders to be passed in the writ petition. This Court further directed the Assistant Sessions Judge, Gooty, to conduct an enquiry into the allegations by issuing paper publication calling for complaints from the affected persons and notice to concerned Police Officers and submit his report. The report was received. On receipt of the report, the Bench observed that in view of the report, perhaps the earlier orders have to be recalled and the entire case has to be re-heard and adjudicated.

We have gone through the report on the basis of the evidence produced before the Assistant Sessions Judge, Gooty, pursuant to the public notice issued by him in which as many as 44 witnesses were examined including the wife of the deceased. The report says that there was no demand of money by the police in regard to the alleged interrogation of people in Akkannapalle and its surrounding villages in the course of investigation of Crime No.104 of

1997 under Section 302 of Indian Penal Code and there was no evidence to show that the people in Akkannapalli and surrounding villages were taken into custody by the police.

Even as per the report and as per the statement of the wife of the deceased Obulesu, he was suffering from fits since long time and died as a result of fits and not due to the action or inaction on the part of the police. Thus, the allegations in the news-item of "Eenadu" of the alleged torture were found to be not correct. There is no reason to disbelieve the report, which is based upon the evidence recorded by a Judicial officer. While accepting the report, we recall the order passed by the Bench directing the Government to deposit the amount for the benefit of the heirs of the deceased and close the writ petition further making it clear that the amount of interest, if any, paid to the wife of the deceased will not be recovered from her.

DEVINDER GUPTA, C.J.

G.ROHINI, J

22-06-2004

tvr/bsc

To

1. The Special officer, Public Interest Litigation Cell, High Court Buildings, Hyderabad.
2. The Secretary, A.P. State Legal Aid and Advisory Board, High Court buildings, Hyderabad.
3. The SHO
   Akkannapalle Police Station, Ananthapur District

4. The SHO
   Tadipatri Police Station Ananthapur District
5. The Sub-Inspector of Police
   Akkannapalle Police Station, Ananthapur District
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8. The Superintendent of Police,
   Ananthapur.
9. The Director General of Police
   Govt. of A.P., Hyderabad
10. The Secretary, Home Dept.,
    Govt. of A.P., Secretariat,
    Hyderabad
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